

JAN 31 2005

PTO/SB64 (03-04)

Approved for use through 07/31/2005. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 01110-4US
First named inventor: Jay SHORT		
Application No.: 09880,729		Art Unit: 1652
Filed: June 12, 2001		Examiner: M. N. Rao
Title: Enzymes Having Carboxymethyl Cellulase Activity And Methods Of Use Thereof		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1460 Alexandria, VA 22313-1450 FAX (703) 872-9306		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-8282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
(1) Petition fee;		
(2) Reply and/or issue fee;		
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and		
(4) Statement that the entire delay was unintentional.		
1. Petition fee		
<input checked="" type="checkbox"/> Small entity-fee \$ <u>\$750.00</u> (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of <u>Fee (Extension 5th month) and filing of continuation application</u> (Identify type of reply):		
<input checked="" type="checkbox"/> has been filed previously on <u>Continuation application filed Jan. 11, 2005.</u>		
<input checked="" type="checkbox"/> is enclosed herewith. Fee - Extension of time for response within 5th month		
B. The issue fee and publication fee (if applicable) of \$ _____.		
<input type="checkbox"/> has been paid previously on _____.		
<input type="checkbox"/> is enclosed herewith.		

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

PAGE 7/9 * RCVD AT 1/31/2005 8:42:12 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/2 * DNS:8729308 * CSID:18586235190 * DURATION (mm:ss):04:04

03/28/2005 AKELLEY 00000003 500651 09880729

01 FC:2453 750.00 00

PTO/SB/64 (09-04)

Approved for use through 07/31/2005. OMB 0551-0051

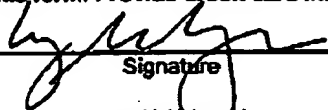
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

January 31, 2005

Date

Lynn M. Untchewski

Typed or printed name

47,320

Registration Number, if applicable

Diversa Corporation, Intellectual Property Department

Address

858-528-6450

Telephone Number

P.O. Box 910550, San Diego, CA 92191-0550

Address

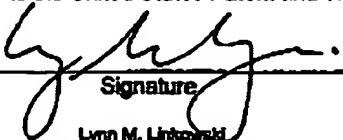
Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(e)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

January 31, 2005

Date



Signature

Lynn M. Untchewski

Typed or printed name of person signing certificate

(Page 2 of 2)